

ORIGINAL

JS 44 (Rev. 11/04)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## CIVIL COVER SHEET

EDL

## I. (a) PLAINTIFFS

SUCCESSFACTORS, INC., a Delaware corporation

## DEFENDANTS

SOFTSCAPE, INC., a Delaware corporation, and  
DOES 1 - 10, inclusive(b) County of Residence of First Listed Plaintiff **San Mateo**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

See Attachment.

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only) (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle		<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 196 Franchise		<input checked="" type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 890 Other Statutory Actions	
<b>REAL PROPERTY</b>				
<input type="checkbox"/> 210 Land Condemnation	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motion to Vacate Sentence	<input type="checkbox"/> 892 Economic Stabilization Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 950 Constitutionality of State Statutes	
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		
<b>V. ORIGIN</b> (Place an "X" in One Box Only)				
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)
				<input type="checkbox"/> 6 Multidistrict Litigation
				<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C §§ 1114 and/or 1125, 18 U.S.C. §1030.

Brief description of cause:

VII. REQUESTED IN  CHECK IF THIS IS A CLASS ACTION DEMAND \$ 0.00  
COMPLAINT: UNDER F.R.C.P. 23 CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

March 11, 2008

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

NDC-JS44

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**V. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553  
Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**ATTACHMENT TO CIVIL COVER SHEET**

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23 SUCCESSFACTORS, INC., a Delaware  
24 corporation,

25 Plaintiff,

v.  
26 SOFTSCAPE, INC., a Delaware  
27 corporation; and DOES 1-10, inclusive,

28 Defendants.

**FILED**  
MAR 11 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
*M  
B  
J*

**E-filing**

**EDL**

Case No.

**COMPLAINT FOR FALSE ADVERTISING,  
TRADEMARK INFRINGEMENT,  
COMPUTER FRAUD AND ABUSE,  
DEFAMATION, TRADE LIBEL,  
INTENTIONAL INTERFERENCE WITH  
PROSPECTIVE ECONOMIC RELATIONS,  
AND UNFAIR COMPETITION**

**JURY TRIAL DEMANDED**

1 Plaintiff SuccessFactors, Inc. ("SuccessFactors"), for its complaint against defendant  
2 Softscape, Inc. ("Softscape" or "Defendant") hereby avers as follows, based on its own knowledge  
3 as to the conduct of SuccessFactors and on information and belief, which it believes likely to have  
4 additional evidentiary support after discovery, as to all allegations as to the conduct of Defendants:

5 **INTRODUCTION**

6 1. Plaintiff SuccessFactors has been victimized by a craven campaign to impugn and  
7 harm its business via circulation of a false and misleading attack piece. This PowerPoint  
8 presentation (the "Presentation") runs for some 40 pages, printed with unauthorized use of  
9 SuccessFactors' trademarked logo, and is strewn with lies, innuendo, and slurs against  
10 SuccessFactors' products and integrity. The Presentation flatly misrepresents SuccessFactors'  
11 product offerings, sales success, and relationships with customers. Beginning on or about March 4,  
12 2008, an "anonymous" email transmitted the Presentation to dozens of SuccessFactors' customers  
13 and prospects. Defendant Softscape, a competitor of SuccessFactors, orchestrated this campaign of  
14 misinformation, false advertising, and defamation. Softscape and its employees repeatedly  
15 accessed SuccessFactors' computer networks without authorization and in violation of federal and  
16 state law to obtain information and images in the Presentation, and then allowed dissemination of  
17 the Presentation with the intent and purpose of damaging SuccessFactors' business and diverting its  
18 customers. Though this "hit piece" contains demonstrable falsehoods, the continued circulation of  
19 such a caustic attack threatens irreparable harm to SuccessFactors' customer relationships and  
20 goodwill.

21 2. SuccessFactors therefore brings this action to remedy Softscape's unlawful and  
22 deceptive acts, to obtain immediate injunctive relief, and to recover damages and other monetary  
23 relief. SuccessFactors includes in this complaint claims for (i) False and Misleading Statements  
24 under the Laws of the United States, Title 15, United States Code (Lanham Act); (ii) False and  
25 Misleading Statements under the Laws of the State of California, Section 17500, Business and  
26 Professions Code; (iii) Trademark Infringement under the Laws of the United States, Title 15,  
27 United States Code. (iv) Fraud and Related Activity in Connection with a Computer under the  
28 Laws of the United States, Title 18, United States Code; (v) Unauthorized Access to Computers,

1 Computer Systems and Computer Data under the Laws of the State of California, Section 502,  
2 Penal Code; (vi) Defamation under the Laws of the State of California, Section 44, *et seq.*, Civil  
3 Code; (vii) Trade Libel under the Laws of the State of California, Section 45, Civil Code; (viii)  
4 Intentional Interference with Prospective Economic Relations under the Laws of the State of  
5 California; and (ix) Unfair Competition under the Laws of the State of California, Section 17200,  
6 Business and Professions Code.

7 **PARTIES**

8 3. Plaintiff SuccessFactors is a Delaware Corporation with its principal place of  
9 business at 1500 Fashion Island Boulevard, Suite 300, San Mateo, California, 94404.

10 4. Defendant Softscape is a Delaware Corporation with its principal place of business  
11 at One Softscape Center, 526 Boston Post Road, Wayland, Massachusetts, 01778, with offices in  
12 Burlingame, California, among other locations.

13 5. Plaintiff does not know the true names and capacities, whether individual, corporate,  
14 associate, or otherwise, of defendant DOES 1-10, inclusive. On information and belief, each of the  
15 DOES 1-10 is a person or entity that has participated, contributed, conspired, aided and abetted, or  
16 ratified the conduct of Defendant Softscape, and has thereby materially contributed to its wrongful  
17 acts. SuccessFactors will amend the complaint to identify the true names of these Defendants when  
18 they are determined, until which point they are sued herein by their fictitious names. On  
19 information and belief, each of the Defendants was acting as an agent and co-conspirator with each  
20 of the other Defendants in pursuit of the wrongful acts and objectives described herein.

21 **JURISDICTION AND VENUE**

22 6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.  
23 § 1331 (federal question), 15 U.S.C. § 1125(a) (Lanham Act), 15 U.S.C. §§ 32 and 43  
24 (Trademark Infringement), 18 U.S.C. § 1030 (Computer Fraud and Abuse Act), and 28 U.S.C.  
25 §1367 (pendent jurisdiction).

26 7. Personal jurisdiction over the Defendants is proper in that Softscape does business  
27 in this jurisdiction, including through an office located in Burlingame, California, the Defendants  
28 have purposefully availed themselves of the benefits of this jurisdiction and targeted their conduct

1 against SuccessFactors here, and the injury suffered has occurred in substantial part within this  
2 judicial District.

3 8. Venue is proper in the District pursuant to 28 U.S.C. §§ 1391(b) and 1400(a) in that  
4 Plaintiff SuccessFactors is headquartered in this District, a substantial part of the events and injury  
5 giving rise to the claims set forth herein have arisen in and caused harm in this District, and  
6 Defendants have directed their acts toward this District.

7 **INTRADISTRICT ASSIGNMENT**

8 9. Assignment of this action to the San Francisco Division is proper under Civil Local  
9 Rules 3-2(c) and 3-2(e), in that a substantial part of the events and injury giving rise to the claims  
10 alleged herein occurred in the County of San Mateo.

11 **FACTS**

12 I. **SuccessFactors and Softscape**

13 10. SuccessFactors is a publicly traded company formed in May 2001. SuccessFactors  
14 provides businesses of various sizes, industries, and geographies with performance and talent  
15 management software that enables businesses to manage their workforce effectively and maximize  
16 employee productivity. SuccessFactors' system provides many benefits compared to traditional  
17 human resources systems. Unlike traditional paper-based processes, custom-built systems, third-  
18 party systems, or point applications designed to address specific needs, SuccessFactors' software  
19 solution is available on-demand and is accessible to customers via the internet. SuccessFactors has  
20 enjoyed successful sales of its solutions with a large and strong customer base. Since 2005,  
21 SuccessFactors' customer retention rate has been greater than 90% annually, reflecting widespread  
22 customer satisfaction with SuccessFactors' products and service.

23 11. Softscape also offers human resource management systems and competes with  
24 SuccessFactors for the same customers. However, Softscape has not enjoyed the level of success  
25 that SuccessFactors has. As a result, Softscape has recently resorted to unlawful practices to  
26 dislodge SuccessFactors' current customer base and divert prospective customers from doing  
27 business with SuccessFactors.

28

1       **II. Defendants' Wrongful Acts**

2           **A. The False and Misleading Presentation**

3           12. Softscape and the Doe Defendants have collected information for, prepared,  
4 contributed to, and/or circulated a Presentation for the purpose of falsely attacking SuccessFactors'  
5 business. The Presentation is in a PowerPoint format and runs over 40 pages. It is printed on a  
6 template that SuccessFactors originally prepared and used in the past for its own business  
7 presentations, so the Presentation initially and confusingly looks like a document authorized by  
8 SuccessFactors. SuccessFactors' name and logo are printed on the cover of the Presentation and on  
9 every page in the upper left hand corner, so as to enhance the appearance of legitimacy and  
10 accuracy of representations about SuccessFactors. Under the name and logo on the cover, the  
11 Presentation bears the title "The Naked Truth." In fact, it is anything but.

12           13. The Presentation begins with the false representation that it is a creation by  
13 SuccessFactors' customers, referring to the customers as the authors, or "us," when in fact the  
14 Defendants prepared and distributed the document. The Presentation then accuses SuccessFactors  
15 of a "lack of corporate integrity," an assertion that is both itself false and based on false purported  
16 "facts."

17           14. The false and misleading statements in the Presentation include numerous false  
18 descriptions of SuccessFactors' relationships with its customers, including, but not limited to:

19           a. listing customers, such as Merrill Lynch and Apple Computer who are  
20 "dissatisfied, have left [SuccessFactors] and are Not Listed on their Website," when in fact a  
21 group of customers—including, for example, Merrill Lynch, among others—purchased products  
22 like our "Employee Appraiser" CD-based software (which has been superseded by  
23 SuccessFactors' hosted solutions), while others, including, for example, Apple Computer,  
24 purchased our "Manager's Edition" product (which is a hosted-solution intended for an individual  
25 user). SuccessFactors has elected to not list Employee Appraiser and Manager's Edition  
26 customers on its website anymore. Their "disappearance" from the site is no indication of loss of  
27 the customer.

b. listing MasterCard as a customer that SuccessFactors no longer uses as a reference, when in fact MasterCard remains available and willing to serve as a reference

c. suggesting that Sears is no longer a customer by stating, “[a]fter 6 Months Sears Pulled the Plug on the entire project,” when in fact Sears remains an active and valued customer;

d. suggesting that customers left off of SuccessFactors' customer list on its website are left off because of a "failed implementation[]" of SuccessFactors' product, when in fact many such customers are not listed because those customers were merged or acquired as was true for Reebok, Peregrine Systems, Portal Software, Hibernia National Bank, Dovebid, Inc., Nalco, ACMI Corp, Portal Software, Inc., KMC Telecom Holdings, Inc., Symbol Technologies, Inc., Riggs National Corporation, Varian Inc., Meta Group, BMG Columbia House, Inc., Macromedia, Inc., Internet Security Systems, BrassRing), or due to their own publicity preference, policies unrelated to their satisfaction with SuccessFactors' products, or because of financial difficulties;

e. claiming that "In January 2005 there were 208 Customers," that "In January 2008 ONLY 76 of the 208 still remain," and asserting that based on this "63% of Their 2005 Customers Left Them by 2008" and further asserting that "1 out of 2 customers leaves Successfactors [sic] within 2-3 years" when, in fact, SuccessFactors enjoys annual retention rates of 90% or higher, and even using the methodology set forth in the Presentation, SuccessFactors' true customer attrition was far less than half the figures claimed during the period identified.

15. Because SuccessFactors' ability to serve, retain, and satisfy its customers is critical to its reputation and success, these false descriptions attack the heart of SuccessFactors' goodwill and success.

16. In addition, the Presentation includes false attacks on SuccessFactors' product architecture, delivery model, and product capabilities. The false and deceptive statements in this regard include:

1                   a. asserting that SuccessFactors employs 440 consultants, an unusually high  
2 number, because SuccessFactors' product requires extensive consulting efforts, when, in fact, it  
3 has fewer than half this number;

4                   b. claiming that because "[a]ll Customers are in a Single Database," each  
5 customer's data is mixed with other customers' data, creating a security risk, when, in fact, all  
6 customer data is stored in separate and secure database table schemas with high security in an  
7 approach has been validated by top banks and security specialists;

8                   c. stating that SuccessFactors "will add any feature or change they want  
9 without asking you if you want it" on a monthly basis, and will "install the change without telling"  
10 customers, when, in fact, approximately 95% percent of enhancements are delivered on an "opt-in"  
11 basis;

12                   d. stating that SuccessFactors "can't handle situations where an employee  
13 changes their positions and manager during the year," when, in fact, SuccessFactors has a tool—the  
14 Manager Change Engine—that handles this exact situation;

15                   e. implying that users must inconveniently scroll though long forms in  
16 SuccessFactors' product, when, in fact, customers can quickly and conveniently tab through  
17 forms rather than scroll;

18                   f. claiming that the Compensation function of SuccessFactors' product "is not  
19 a process but a Form," when the function is in fact a process;

20                   g. asserting that SuccessFactors' "Ultra" functionality is a "scam," when, in  
21 fact, that functionality not only offers advantages and best-in-class technology, but has been  
22 widely acclaimed by third party industry observers.

23                   17. The Presentation also includes other false and deceptive statements—the above list  
24 only begins to categorize those statements, which are littered throughout the Presentation. The  
25 PowerPoint slides include page-after-page of false and misleading information in a blatant attempt  
26 to damage Plaintiff's reputation and dislodge its customer base.

1                   **B. Defendants' Anonymous Email**

2                   18. On or about March 4, 2008, Defendants began to circulate the Presentation to  
3 SuccessFactors' customers and prospects, attaching it to multiple emails sent by Softscape or its  
4 employee or accomplice Defendants to SuccessFactors' customers and prospects.

5                   19. Defendants used the anonymous email address hcmknowledge2008a@gmail.com  
6 hosted by Google, Inc., and used "John Anonymous" as a fictitious name. The body of the email  
7 message said, "If you are thinking about purchasing from SuccessFactors, please read the following  
8 document; it provides information about SuccessFactors which they do not want you to know."

9                   20. SuccessFactors does not yet, prior to discovery, know the full extent of the  
10 distribution over the internet, but is informed and believes that at least 25 of its customers and  
11 prospective customers received the defamatory materials on or about the evening of March 4, 2008,  
12 including Lehman, RJR, GameStop, Noble Corp., B&H Photo, News Corp., Arrow Electronics,  
13 Harris Williams, Winn-Dixie, Investment Technology Group, Inc., SRA International, US Xpress  
14 Enterprises, Panduit, First Data, Conway Freight, City of Arlington, CA Dept of Corrections, Levi,  
15 Scholastic, FNFG Independent Consultant, Callaway Golf, Australia Post, Spotless, National  
16 Australia Bank, Barclay's and Deutsche Bank AG.

17                   21. Defendants have also used the Presentation to further their sales efforts independent  
18 of the anonymous email. SuccessFactors is informed and believes that Defendants have  
19 communicated the information contained in the Presentation to potential customers and others in  
20 the industry in an effort to induce potential customers not to do business with SuccessFactors, to  
21 divert that business to Softscape, and to disparage SuccessFactors in the public eye.

22                   **C. Softscape's Unauthorized Access to SuccessFactors' Computer System**

23                   22. The Presentation contains computer screenshots from, among others, a watched  
24 webinar that SuccessFactors launched in January 2008, a customer webpage that SuccessFactors  
25 posted on its website in February 2008, and a visited online demonstration environment operated  
26 by SuccessFactors to demonstrate its products to potential customers (the "ACE Demo  
27 environment"). SuccessFactors' investigation has revealed that all these three areas containing  
28 information and images in the Presentation were accessed within the relevant timeframe from an

internet protocol (“IP”) address, 68.236.68.19, associated with Defendant Softscape’s address, One Softscape Center, 526 Boston Post Road, Wayland, Massachusetts, 01778.

23. SuccessFactors' ACE Demo environment is password protected and accessible only after authorization and delivery of a password from SuccessFactors. Defendants wrongly misappropriated an ACE Demo account name and password to log into the ACE Demo environment from Softscape's 68.236.68.19 IP address in Massachusetts, as well as from a Softscape IP address in the United Kingdom, and from individual IP addresses accessible to Defendants at residential locations. Softscape, of course, knew full well that, as SuccessFactors' competitor, it was not entitled to utilize a SuccessFactors password or a password-protected account to access SuccessFactors' computer networks.

**D. The Injury Caused By Defendants' Presentation**

24. The mere circulation of the Presentation, despite its demonstrable falsehoods, has caused, and will continue to cause SuccessFactors damage and irreparable harm. Customers who received the Presentation while in negotiations to make purchases from SuccessFactors have indicated that whatever the truth of the allegations of the Presentation, those allegations generate far too much negativity for SuccessFactors to overcome. Continued circulation will cost considerable, untold sales, as well as injury to goodwill that SuccessFactors has spent many years carefully cultivating as the leader in its market.

**FIRST CLAIM FOR RELIEF**  
**(False and Misleading Statements (Lanham Act))**  
**(15 U.S.C. § 1125)**

25. Plaintiff realleges and incorporates paragraphs 1 – 24 alleged above into this Claim for Relief as if set forth herein.

26. The Presentation is a commercial advertisement relating to SuccessFactors' products.

27. Defendants have caused the Presentation to enter into interstate commerce.

28. Defendants' conduct, as averred above, constitutes false or misleading descriptions of fact, and/or false, untrue or misleading representations of fact in violation of Lanham Act § 43(a), 15 U.S.C. § 1125(a). Such statements made by Defendants are likely to deceive, and are

1 intended to mislead those who see or hear them. Such deception is likely to influence the  
2 purchasing decision of those who read or hear these statements.

3 29. On information and belief, Defendants knew, or by the exercise of reasonable care  
4 should have known, that their false and misleading statements, descriptions, and representations  
5 were false and misleading.

6 30. Defendant's false and misleading statements are in violation and derogation of  
7 SuccessFactors' rights. As a direct and proximate result of Defendant's false and misleading  
8 statements, SuccessFactors has suffered and will continue to suffer irreparable harm.

9 31. Defendants' actions have been knowing, deliberate, willful, intended to cause  
10 mistake and to deceive, and in disregard of Plaintiff's rights.

11 32. As a direct and proximate result of Defendant's wrongful conduct, as alleged above,  
12 Plaintiff has been and will be deprived of substantial sales and goodwill in an amount as yet  
13 unknown but to be proved at trial.

14 33. Plaintiff has no adequate remedy at law for Defendant's continuing violation of its  
15 rights as set forth above. On information and belief, such violation will continue unless  
16 Defendant is enjoined by this Court. SuccessFactors is therefore entitled to preliminary and  
17 permanent injunctive relief restraining Defendants, their officers, agents and employees, and all  
18 persons acting in concert with them, from engaging in any further acts in violation of Section  
19 43(a) of the Lanham Act.

20 **SECOND CLAIM FOR RELIEF**

21 **(False & Misleading Statements)**

22 (Cal. Bus. & Prof. Code §§ 17500, *et seq.*)

23 34. Plaintiff realleges and incorporates paragraphs 1 – 33 alleged above into this Claim  
24 for Relief as if set forth herein.

25 35. Defendants have, by their conduct alleged above, made false and  
26 misleading statements which were and are known or which, by the exercise of reasonable care,  
27 should have been known to Softscape to be false and misleading in violation of Cal. Bus. & Prof.  
28 Code §§ 17500, *et seq.*

36. Such statements made by Defendants are likely to deceive, and intended to mislead those who see or hear them.

37. Defendants' false and misleading statements are in violation and derogation of SuccessFactors' rights. As a direct and proximate result of Softscape's false and misleading statements, SuccessFactors has suffered and will continue to suffer irreparable harm.

38. As a direct and proximate result of Defendants' false and misleading statements, SuccessFactors has suffered loss, damage and injury entitling SuccessFactors to restitution of all amounts unlawfully gained by Defendants, including disgorgement of profits earned by Softscape.

39. Defendants threaten to continue to engage in such unlawful acts, and unless and until restrained and enjoined by this Court, will do so. SuccessFactors' remedy at law is not by itself adequate to compensate SuccessFactors for the harm inflicted and threatened by Defendants. SuccessFactors is therefore entitled to preliminary and permanent injunctive relief restraining Defendants, their officers, agents and employees, and all persons acting in concert with them, from engaging in any further acts in violation of Cal. Bus. & Prof. Code §§ 17500, *et seq.*

**THIRD CLAIM FOR RELIEF**  
**(Trademark Infringement (Lanham Act))**  
**(15 U.S.C. §§ 1114, 1125)**

40. Plaintiff realleges and incorporates paragraphs 1 – 39 alleged above into this Claim for Relief as if set forth herein.

41. SuccessFactors uses, and has used its word mark, SUCCESSFACTORS, its distinctive SuccessFactors logo, and other SUCCESSFACTORS-based marks to promote, advertise, and otherwise market its products and services (the "SUCCESSFACTORS Marks"). As a consequence of SuccessFactors' extensive sales, marketing, and advertising in interstate commerce, the SUCCESSFACTORS Marks have become well known among consumers as an identifier of SuccessFactors' products and services. The SUCCESSFACTORS Marks have come to be identified with SuccessFactors as the source of such services. As a result, the SUCCESSFACTORS Marks have become valuable assets of SuccessFactors and principal symbols of its extensive goodwill.

1       42. SuccessFactors owns the federal trademark registration, Reg. No. 3,385,574, in the  
2 mark attached hereto as Exhibit A, has submitted an application to register a particular  
3 SUCCESSFACTORS-based trademark, serial number 78660874, attached hereto as Exhibit B, and  
4 also has submitted an application to register a combined mark, serial number 78706535, attached  
5 hereto as Exhibit C, which combines the word mark “SUCCESSFACTORS” with the “person”  
6 logo used in the Presentation.

7       43. Without authorization, Defendants used the SUCCESSFACTORS Marks throughout  
8 the Presentation, wrongly creating the impression that the document was created or endorsed by  
9 SuccessFactors, and/or imbuing the Presentation with the aura of association with SuccessFactors  
10 and with the legitimacy that arises by listing facts with SUCCESSFACTORS’ Marks. Defendants’  
11 use of the infringing marks in the Presentation has caused and is likely to cause confusion, mistake  
12 and deception among purchasers and users as to the source and origin of the services, thereby  
13 causing loss, damage and injury to Plaintiff and to the purchasing public.

14       44. On information and belief, Defendants knew of SuccessFactors’ prior use of the  
15 infringed marks, and by adopting, commencing use, and continuing use of the infringed marks,  
16 Defendants intended to and did induce and intend to and will induce customers to purchase  
17 Softscape products and services by ruining the goodwill built by SuccessFactors in its trademarks.

18       45. Defendants’ foregoing actions violate SuccessFactors’ rights under Section 32(a) of  
19 the Lanham Act, 15 U.S.C. § 1114, Section 43(a) of the Lanham Act, 15 U.S.C. § 1125, and, on  
20 information and belief, have been knowing, deliberate, willful, intended to cause confusion or  
21 mistake, or to deceive, and in disregard of Plaintiff’s rights.

22       46. As a direct and proximate result of Defendants’ wrongful conduct, as alleged above,  
23 SuccessFactors has been and will be deprived of substantial sales and goodwill in an amount as yet  
24 unknown but to be proved at trial, and has been and will be deprived of the value of its trademarks  
25 as commercial assets in an amount as yet unknown but to be determined at trial.

26       47. As a direct and proximate result of Defendants’ trademark infringement,  
27 SuccessFactors has suffered and will continue to suffer irreparable harm. SuccessFactors is  
28 informed and believes and thereon alleges that Defendants threaten to continue to engage in such

1 unlawful acts, and unless and until restrained and enjoined by this Court, will do so.  
2 SuccessFactors' remedy at law is not by itself adequate to compensate SuccessFactors for the harm  
3 inflicted and threatened by Defendants. SuccessFactors is therefore entitled to preliminary and  
4 permanent injunctive relief restraining Defendants and their officers, agents and employees, and all  
5 persons acting in concert with them, from engaging in any further acts in violation of 15 U.S.C.  
6 §§ 1114 and 1125.

7 **FOURTH CLAIM FOR RELIEF**  
8 **(Computer Fraud and Abuse Act)**  
9 (18 U.S.C. § 1030)

10 48. Plaintiff realleges and incorporates paragraphs 1 – 47 alleged above into this Claim  
11 for Relief as if set forth herein.

12 49. SuccessFactors' relevant computer systems are "protected computers" as defined in  
13 18 U.S.C. § 1030(e)(2)(B), in that these computer systems are used in interstate or foreign  
14 commerce or communication.

15 50. SuccessFactors maintains certain proprietary information and data on these  
16 protected computers within, *inter alia*, the ACE Demo environment, ownership of which  
17 SuccessFactors retains, and external access and use of which is limited to certain authorized users.

18 51. Softscape and the individual Defendants have intentionally accessed  
19 SuccessFactors' protected computers without authorization, and/or have exceeded authorized  
20 access, as defined in 18 U.S.C. § 1030(e)(6), obtaining information they were not entitled to access.

21 52. Defendants' conduct involved interstate or foreign communications.

22 53. Defendants' conduct caused damage to SuccessFactors in violation of 18 U.S.C.  
23 §§ 1030(a)(2)(C) and/or 1030(a)(5)(A)(iii).

24 54. As a direct and proximate result of Defendants' unlawful access, SuccessFactors has  
25 suffered monetary damage in excess of \$5,000, including, without limitation, time valued in excess  
26 of this amount spent investigating and responding to the unlawful access, in addition to other  
27 damages and economic loss resulting from the unlawful access.

28

1 55. As a direct and proximate result of Defendants' conduct, SuccessFactors is also  
2 entitled to recover from Defendants any and all gains, profits, advantages and unjust enrichment  
3 obtained as a result of its wrongful acts as alleged herein, in an amount to be determined at trial.

4       56. On information and belief, Defendants' acts in violation of 18 U.S.C. § 1030 were  
5 willful and conducted maliciously, oppressively, fraudulently and/or without regard to  
6 SuccessFactors' rights. Accordingly, Defendants are liable for punitive damages in an amount to  
7 be established at trial.

8       57.     As a direct and proximate result of Defendants' unlawful acts herein averred,  
9 SuccessFactors has suffered and will continue to suffer irreparable harm. Defendants threaten to  
10 continue to engage in such unlawful acts, and unless and until restrained and enjoined by this  
11 Court, will do so. SuccessFactors' remedy at law is not by itself adequate to compensate  
12 SuccessFactors for the harm inflicted and threatened by Defendants. SuccessFactors is therefore  
13 entitled to preliminary and permanent injunctive relief restraining Defendants, their officers, agents  
14 and employees, and all persons acting in concert with them, from engaging in any further acts in  
15 violation of 18 U.S.C. § 1030.

## **FIFTH CLAIM FOR RELIEF**

## **(Unauthorized Access to Computers, Computer Systems and Computer Data)**

(Cal. Penal Code § 502)

19       58. Plaintiff realleges and incorporates paragraphs 1 – 57 alleged above into this Claim  
20 for Relief as if set forth herein.

21       59.    SuccessFactors owns and maintains a computer network and computer systems as  
22    defined in Cal. Penal Code § 502(b)(2) and (5) respectively.

23       60.     SuccessFactors maintains certain proprietary “computer programs or software,”  
24     “computer services,” and/or “data” as defined in Cal. Penal Code § 502(b)(3), (4) and (6)  
25     respectively, on said computer systems (ACE Demo environment), ownership of which  
26     SuccessFactors retains, and external access and use of which is limited to certain customers.

1       61. Defendants have knowingly and impermissibly “accessed,” as defined in Cal. Penal  
2 Code § 502(b)(1), SuccessFactors’ computers and/or computer systems in violation of Cal. Penal  
3 Code § 502(c)(7).

4       62. As averred above, Defendants have knowingly accessed SuccessFactors’ computers,  
5 computer systems, and/or computer network to:

6           a.       wrongfully control or obtain data in violation of Cal. Penal Code  
7 § 502(c)(1)(B);

8           b.       take, copy, or make use of SuccessFactors’ data in violation of Cal. Penal  
9 Code § 502(c)(2); and

10           c.       use SuccessFactors’ computer services in violation of Cal. Penal Code  
11 § 502(c)(3).

12       63. SuccessFactors’ ACE Demo environment is an area of SuccessFactors’ website  
13 available to only those who have permission to access it. Access is through individual, password-  
14 protected user accounts. On information and belief, Defendants misappropriated an existing,  
15 legitimate user account and password to gain access to the ACE Demo environment.

16       64. Defendants’ actions as averred herein have thus been “without permission” as  
17 required by Cal. Penal Code §§ 502(c)(1), (2), (3) and (7), in that Defendants have used their access  
18 to SuccessFactors’ computers and computer systems to obtain information they are not authorized,  
19 entitled or otherwise permitted to obtain.

20       65. As a direct and proximate result of Defendants’ conduct, SuccessFactors has  
21 suffered damage and loss in an amount to be determined at trial, which damages SuccessFactors is  
22 entitled to recover. SuccessFactors is also entitled to recover from Defendants any and all gains,  
23 profits, advantages and unjust enrichment obtained as a result of the wrongful acts as averred  
24 herein, in an amount to be determined at trial.

25       66. On information and belief, Defendants’ acts in violation of Cal. Penal Code § 502  
26 were willful and conducted maliciously, oppressively, fraudulently and/or without regard to  
27 SuccessFactors’ rights. Accordingly, Defendants are liable for punitive damages in an amount to  
28 be established at trial.

1       67. As a direct and proximate result of Defendants' unlawful acts herein alleged,  
2 SuccessFactors has suffered and will continue to suffer irreparable harm. Defendants threaten to  
3 continue to engage in such unlawful acts, and unless and until restrained and enjoined by this  
4 Court, will do so. SuccessFactors' remedy at law is not by itself adequate to compensate  
5 SuccessFactors for the harm inflicted and threatened by Defendants. SuccessFactors is therefore  
6 entitled to preliminary and permanent injunctive relief restraining Defendants, their officers, agents  
7 and employees, and all persons acting in concert with them, from engaging in any further acts in  
8 violation of Cal. Penal Code § 502.

**SIXTH CLAIM FOR RELIEF**  
**(Defamation)**

(Cal. Civil Code §§ 44, *et seq.*)

11 68. Plaintiff realleges and incorporates paragraphs 1 – 67 alleged above into this Claim  
12 for Relief as if set forth herein.

13 69. The Presentation, communications regarding the Presentation, and the email sent to  
14 SuccessFactors' customers and business prospects contain unprivileged, false, misleading, and  
15 disparaging statements as described above.

16        70. These statements as alleged above and other statements contained in the  
17        Presentation, collectively referred to as the "Defamatory Statements," carry with them the  
18        implication that SuccessFactors is not being honest and lacks integrity and are harmful to its  
19        professional reputation and product offerings. Third parties, including customers and potential  
20        customers identified in paragraph 14, received, heard and read these statements.

71. Those who read and heard the Defamatory Statements understood them in a way  
72. that defamed SuccessFactors and caused injury to its professional reputation.

23        72.      The Defamatory Statements constitute defamation *per se* in violation of California  
24 Civil Code § 45(a) because they clearly and directly injure SuccessFactors with respect to its  
25 professional reputation by imputing to it improper and dishonest conduct and misrepresent the  
26 quality and nature of SuccessFactors' products.

73. The purpose and effect of Defendants' Defamatory Statements have been to injure  
SuccessFactors and hinder SuccessFactors' ability to market and sell its products.

1       74.     As a direct and proximate result of Defendants' publication and utterance of the  
2 Defamatory Statements, SuccessFactors has suffered loss to its reputation and general damages in  
3 an amount not yet ascertainable. Accordingly, SuccessFactors is entitled to recover actual damages  
4 in an amount to be proven at trial.

5       75. SuccessFactors is informed and believes, and thereon alleges, that Defendants made  
6 the Defamatory Statements with willful and malicious intent to harm and injure the professional  
7 reputation of SuccessFactors and with conscious disregard of SuccessFactors' rights. Therefore,  
8 SuccessFactors is entitled to an award of punitive damages in an amount to be proven at trial.

## **SEVENTH CLAIM FOR RELIEF**

**(Trade Libel)**

(Cal. Civil Code § 45)

11 76. Plaintiff realleges and incorporates paragraphs 1 – 75 alleged above into this Claim  
12 for Relief as if set forth herein.

13 77. Defendants knowingly made false statements to disparage and misrepresent the  
14 nature, character, and quality of SuccessFactors' goods, services, and professional integrity. These  
15 statements were made to third parties.

16        78. Defendants' statements were made of and concerning SuccessFactors' performance  
17 management software and were understood by those who read or heard the statements as such.  
18 Defendants' statements disparaged SuccessFactors' business products by falsely describing  
19 customer dissatisfaction with the products and mischaracterizing the functionality and support of  
20 the products.

21           79.     The purpose and effect of Defendants' false statements have been to injure  
22 SuccessFactors and to hinder SuccessFactors' ability to market and sell its business products.

23        80.      As a direct, proximate, and foreseeable result of Defendants' intentional and  
24      wrongful publication of false statements about the performance management software, Defendants  
25      have disrupted SuccessFactors' relationships with its prospective customers, and thereby caused  
26      damages to SuccessFactors, including, but not limited to, actual and potential loss of current and  
27      prospective customers and business.

1       81.     As a direct and proximate result of Defendants' unlawful acts herein alleged,  
2 SuccessFactors has suffered and will continue to suffer irreparable harm. Defendants threaten to  
3 continue to engage in such unlawful acts, and unless and until restrained and enjoined by this  
4 Court, will do so. SuccessFactors' remedy at law is not by itself adequate to compensate  
5 SuccessFactors for the harm inflicted and threatened by Defendants. SuccessFactors is therefore  
6 entitled to preliminary and permanent injunctive relief restraining Defendants, their officers, agents  
7 and employees, and all persons acting in concert with them, from engaging in any further acts in  
8 violation of Cal. Civil Code § 45.

**EIGHTH CLAIM FOR RELIEF**  
(Intentional Interference with Prospective Economic Relations)

11       82. Plaintiff realleges and incorporates paragraphs 1 – 81 alleged above into this Claim  
12 for Relief as if set forth herein.

13        83. SuccessFactors has prospective economic relations with certain prospective  
14        customers to potentially purchase SuccessFactors' performance management software products or  
15        otherwise do business with SuccessFactors. Such relationships have or had substantial likelihood  
16        of economic benefit for SuccessFactors.

17 84. Defendants have knowledge of SuccessFactors' prospective economic relations with  
18 these prospective customers, and in many cases were and are directly soliciting such customers for  
19 Softscape's account.

20        85. Defendants have intentionally interfered with these prospective economic  
21 relationships by inducing SuccessFactors' prospective customers to refrain from purchasing  
22 SuccessFactors' products or otherwise doing business with SuccessFactors. Defendants' steps  
23 described above were designed to disrupt SuccessFactors' prospective economic relationships.

24        86. In doing so, Defendants have acted wrongfully, through assertions of false and  
25 misleading and defamatory information, misuse of SuccessFactors' trademarks, and use of  
26 information procured by violation of computer protection statutes.

87. As a direct and proximate result of the intentional interference alleged above, SuccessFactors' prospective economic relations with certain prospective customers have been disrupted, interrupted completely, or made more difficult or costly to achieve.

88. As a direct and proximate result of the intentional interference with prospective economic relations by Softscape alleged above, SuccessFactors has suffered loss, damage and injury in an amount to be proven at trial.

89. On information and belief, the intentional interference with prospective economic relations by Softscape alleged above was conducted maliciously, oppressively, fraudulently and/or without regard to SuccessFactors' rights. Accordingly, Defendants are liable for punitive damages in an amount to be established at trial.

90. As a direct and proximate result of the intentional interference with prospective economic relations by Defendants alleged above, SuccessFactors has suffered and will continue to suffer irreparable harm. Defendants threaten to continue to engage in such unlawful acts, and unless and until restrained and enjoined by this Court, will do so. SuccessFactors' remedy at law is not by itself adequate to compensate SuccessFactors for the harm inflicted and threatened by Defendants. SuccessFactors is therefore entitled to preliminary and permanent injunctive relief restraining Defendants, their officers, agents and employees, and all persons acting in concert with them, from engaging in any further acts to interfere with, or to induce breaches of, SuccessFactors' prospective economic relationships.

**NINTH CLAIM FOR RELIEF**

### **(Unfair Competition)**

(Cal. Bus. & Prof. Code §§ 17200, *et seq.*)

91. Plaintiff realleges and incorporates paragraphs 1 – 90 alleged above into this Claim for Relief as if set forth herein.

92. Softscape's acts as alleged herein constitute unfair competition in that such acts were and are unlawful, unfair, deceptive, and/or fraudulent business acts or practices in violation of Cal. Bus. & Prof. Code §§ 17200, *et. seq.* The unlawful business practices are described in detail in the foregoing paragraphs, and include:

1                   a.        Unlawful practices in the nature of conduct contrary to the federal false and  
2 misleading statement statutes, as described above;

3                   b.        Unlawful practices in the nature of conduct contrary to the California false  
4 and misleading statutes, as described above;

5                   c.        Unlawful practices in the nature of conduct contrary to the federal and state  
6 computer fraud and abuse statutes described above;

7                   d.        Unlawful practices in the nature of conduct contrary to the defamation and  
8 trade libel statutes and common law, as described above;

9                   e.        Unlawful practices in the nature of interference with prospective economic  
10 relations, as described above; and

11                   f.        Unlawful practices in the nature of conduct contrary to the trademark  
12 statute described above.

13               93.        In addition, Defendants have engaged in deceptive business practices through the  
14 false and misleading statements communicated to SuccessFactors' customers and to the public as  
15 alleged above.

16               94.        In addition, Defendants have engaged in unfair business practices through the facts  
17 alleged above, including, without limitation, by intentionally diverting SuccessFactors' customers  
18 and businesses through trumped up publications masquerading as customer testimonials.

19               95.        As a direct and proximate result of Defendants' unfair competition, SuccessFactors  
20 has suffered loss, damage and injury entitling SuccessFactors to restitution of all amounts  
21 unlawfully gained by Defendants, including disgorgement of profits earned by Softscape.

22               96.        As a direct and proximate result of Defendants' unfair competition, SuccessFactors  
23 has suffered and will continue to suffer irreparable harm. Defendants threaten to continue to engage  
24 in such unlawful acts, and unless and until restrained and enjoined by this Court, will do so.  
25 SuccessFactors' remedy at law is not by itself adequate to compensate SuccessFactors for the harm  
26 inflicted and threatened by Defendants. SuccessFactors is therefore entitled to preliminary and  
27 permanent injunctive relief restraining Defendants, their officers, agents and employees, and all  
28

1 persons acting in concert with them, from engaging in any further acts in violation of Cal. Bus. &  
2 Prof. Code §§ 17200, *et seq.*

3 **PRAYER FOR RELIEF**

4 WHEREFORE, SuccessFactors prays for judgment against Defendants as follows:

5 1. For temporary, preliminary, and permanent injunctive relief against Defendants,  
6 requiring Defendants, their officers, employees, agents, or anyone working for, in concert with or  
7 on behalf of them, or anyone who receives actual notice of the injunction:

8 a. To refrain from publishing, circulating, emailing, making available, or  
9 otherwise distributing the Presentation, in whole or in part, or any other product or document that  
10 infringes upon SuccessFactors' trademarks or trade names, and to refrain from using  
11 SuccessFactors' marks in any way in connection with the promotion, marketing, offer for sale, or  
12 distribution of human resource management products;

13 b. To refrain from publishing, circulating, e-mailing, making available, or  
14 otherwise distributing the Presentation, or any other document that contains false, misleading,  
15 and/or deceptive statements regarding SuccessFactors, its products, its business, or its customer  
16 relationships;

17 c. To refrain from, directly or indirectly, making any false or misleading  
18 representations of fact in commerce concerning SuccessFactors, either orally or in writing, and  
19 including without limitation any false or misleading representations contained in the Presentation;

20 d. To refrain from accessing any computer system or computer owned,  
21 operated, or licensed by SuccessFactors and subject to restrictions on access for any reason without  
22 SuccessFactors' express prior written authorization, and to not use, disclose, publish, reproduce or  
23 communicate any information or data heretofore received from such a computer or computer  
24 system;

25 e. To refrain from wrongfully interfering with or disrupting any prospective  
26 economic relations SuccessFactors has with any prospective customers through any false or  
27 deceptive statement or use of materials obtained from any computer or computer network without  
28 authorized access; and

f. To issue corrective advertising under its own name, at its own expense, but pursuant to the Order of this Court, that advises every known recipient of the Presentation and the public at large of the falsity of the Presentation and facts falsely asserted therein.

2. For an award of actual, compensatory, special, and consequential damages according to proof.

3. For an award of general damages for injury to reputation according to proof.

4. For an award of punitive and exemplary damages according to proof.

5. For an order granting restitution and disgorgement of any profits of the Defendants from their wrongful conduct according to proof.

6. For attorneys' fees according to applicable statutes.

7. For costs of suit.

8. For such further relief as the Court may deem necessary and appropriate.

Dated: March 11, 2008

FENWICK & WEST LLP

By:

Laurence F. Pulgram

Attorneys for Plaintiff SUCCESSFACTORS, INC.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all claims.

Dated: March 11, 2008

FENWICK & WEST LLP

By

Laurence F. Pulgram

Attorneys for Plaintiff SUCCESSFACTORS, INC.

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1281604



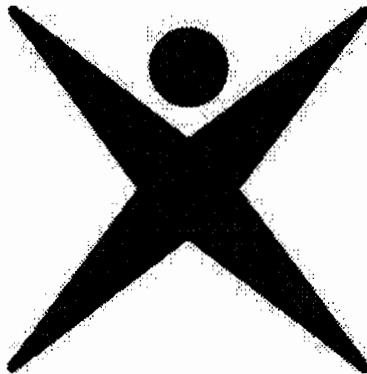
**Int. Cls.: 35, 41 and 42**

**Prior U.S. Cls.: 100, 101, 102 and 107**

**United States Patent and Trademark Office**

**Reg. No. 3,385,574**  
**Registered Feb. 19, 2008**

**SERVICE MARK  
PRINCIPAL REGISTER**



SUCCESSFACTORS, INC. (DELAWARE CORPORATION)  
999 BAKER WAY, SUITE 500  
SAN MATEO, CA 94404

FOR: BUSINESS CONSULTATION TO ASSIST IN BUSINESS PERFORMANCE, NAMELY, ON THE SUBJECTS OF WORKFORCE DEVELOPMENT AND PLANNING, MANAGEMENT OF CHANGES IN THE WORKFORCE, CAREER DEVELOPMENT AND PLANNING, EMPLOYEE TRAINING AND EDUCATION, COMPENSATION PLANNING, HUMAN RESOURCES, WORKFORCE RECRUITING, WORKFORCE ATTRIBUTES, WORKFORCE PERFORMANCE, AND THE EVALUATION OF PERSONNEL, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-0-2005; IN COMMERCE 5-0-2005.

FOR: OFFERING ONLINE EDUCATIONAL CLASSES, SEMINARS AND WORKSHOPS TO ASSIST IN BUSINESS PERFORMANCE, NAMELY, EMPLOYMENT TRAINING AND TRAINING ON THE SUBJECTS OF WORKFORCE PLANNING AND DEVELOPMENT, MANAGEMENT OF CHANGES IN THE WORKFORCE, EMPLOYEE CAREER DEVELOPMENT AND PLANNING, COMPENSATION PLANNING, WORKFORCE RECRUITING, EVALUATION OF PERSONNEL, DATA ANALYSIS AND REPORTING IN THE FIELDS OF HUMAN RESOURCES, WORKFORCE ATTRIBUTES, AND WORKFORCE PERFORMANCE; PROVIDING ONLINE JOURNALS, NAMELY, BLOGS, ON THE SUBJECTS OF BUSINESS PERFORMANCE, NAMELY, WORKFORCE PLANNING AND DEVELOPMENT, CAREER DEVELOPMENT AND PLANNING, EMPLOYEE TRAINING AND EDUCATION, COMPEN-

SATION PLANNING, WORKFORCE RECRUITING, DATA ANALYSIS AND REPORTING IN THE FIELDS OF HUMAN RESOURCES, WORKFORCE ATTRIBUTES, AND WORKFORCE PERFORMANCE, AND THE EVALUATION OF PERSONNEL, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-0-2005; IN COMMERCE 5-0-2005.

FOR: PROVIDING TEMPORARY USE OF ONLINE NON-DOWNLOADABLE SOFTWARE TO ASSIST IN BUSINESS PERFORMANCE, NAMELY, FOR WORKFORCE PLANNING AND DEVELOPMENT, MANAGEMENT OF CHANGES IN THE WORKFORCE, EMPLOYEE CAREER DEVELOPMENT AND PLANNING, COMPENSATION PLANNING, WORKFORCE RECRUITING, DATA ANALYSIS AND REPORTING IN THE FIELDS OF HUMAN RESOURCES, WORKFORCE ATTRIBUTES, AND WORKFORCE PERFORMANCE, AND FOR EVALUATION OF PERSONNEL; TECHNICAL SUPPORT SERVICES, NAMELY, TROUBLESHOOTING COMPUTER SOFTWARE PROBLEMS IN THE FIELD OF ASSISTING IN BUSINESS PERFORMANCE AND EVALUATION OF PERSONNEL, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 5-0-2005; IN COMMERCE 5-0-2005.

THE MARK CONSISTS OF A STYLIZED DESIGN OF A HUMAN FIGURE WITH THE ARMS AND LEGS OUTSTRETCHED.

SER. NO. 78-946,750, FILED 8-7-2006.

RICHARD A. STRASER, EXAMINING ATTORNEY

SER. NO. 78-946,750, FILED 8-7-2006.

RICHARD A. STRASER, EXAMINING ATTORNEY

**Trademark/Service Mark Application, Principal Register**Serial Number: 78946750  
Filing Date: 08/07/2006**The table below presents the data as entered.**

<b>MARK SECTION</b>	
MARK FILE NAME	\\TICRS\\EXPORT4\\IMAGEOUT4\\789467\\78946750\\xml1\\AP P0002.JPG
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR MARK	NO
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of Star design.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	277 x 277
<b>OWNER SECTION</b>	
NAME	Success Acquisition Corporation
INTERNAL ADDRESS	Suite 500
STREET	999 Baker Way
CITY	San Mateo
STATE	California
ZIP/POSTAL CODE	94404
COUNTRY	United States
AUTHORIZED EMAIL COMMUNICATION	No
<b>LEGAL ENTITY SECTION</b>	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Delaware
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	035
DESCRIPTION	Business consultation to assist in business performance, namely, on the subjects of workforce development and planning, management of changes in the workforce, career development and planning, employee training and education, compensation planning, human resources, workforce recruiting, workforce attributes, workforce performance, and the evaluation of personnel.
FILING BASIS	Section 1(a)

FIRST USE ANYWHERE DATE	At least as early as 05/00/2005
FIRST USE IN COMMERCE DATE	At least as early as 05/00/2005
SPECIMEN FILE NAME(S)	\TICRS\EXPORT4\IMAGEOUT4\\789\467\78946750\xml1\AP P0003.JPG
SPECIMEN DESCRIPTION	web page promoting the services
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	041
DESCRIPTION	Offering online educational training services and online seminars to assist in business performance, namely, employment training and training on the subjects of workforce planning and development, management of changes in the workforce, employee career development and planning, compensation planning, workforce recruiting, evaluation of personnel, data analysis and reporting in the fields of human resources, workforce attributes, and workforce performance.
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 05/00/2005
FIRST USE IN COMMERCE DATE	At least as early as 05/00/2005
SPECIMEN FILE NAME(S)	\TICRS\EXPORT4\IMAGEOUT4\\789\467\78946750\xml1\AP P0004.JPG
SPECIMEN DESCRIPTION	web page promoting the services
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	042
DESCRIPTION	Providing temporary use of on-line non-downloadable software to assist in business performance, namely, for workforce planning and development, management of changes in the workforce, employee career development and planning, compensation planning, workforce recruiting, data analysis and reporting in the fields of human resources, workforce attributes, and workforce performance, and for evaluation of personnel; providing online journals, namely, blogs, on the subjects of business performance, namely, workforce planning and development, career development and planning, employee training and education, compensation planning, workforce recruiting, data analysis and reporting in the fields of human resources, workforce attributes, and workforce performance, and the evaluation of personnel; technical support services, namely, troubleshooting computer software problems in the field of assisting in business performance and evaluation of personnel.
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 05/00/2005
FIRST USE IN COMMERCE DATE	At least as early as 05/00/2005
SPECIMEN FILE NAME(S)	\TICRS\EXPORT4\IMAGEOUT4\\789\467\78946750\xml1\AP P0005.JPG
	\TICRS\EXPORT4\IMAGEOUT4\\789\467\78946750\xml1\AP P0006.JPG
SPECIMEN DESCRIPTION	web pages promoting the non-downloadable software
<b>SIGNATURE SECTION</b>	
SIGNATORY FILE	\TICRS\EXPORT4\IMAGEOUT4\\789\467\78946750\xml1\AP P0007.JPG

SIGNATORY NAME	Julian Ong
SIGNATORY POSITION	Vice President, General Counsel
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	3
NUMBER OF CLASSES PAID	3
SUBTOTAL AMOUNT	975
TOTAL AMOUNT	975
PAYMENT METHOD	CC
<b>ATTORNEY</b>	
NAME	Heather A. Dunn, Esq.
FIRM NAME	DLA Piper Rudnick Gray Cary US LLP
INTERNAL ADDRESS	Suite 800
STREET	153 Townsend Street
CITY	San Francisco
STATE	California
ZIP/POSTAL CODE	94107
COUNTRY	United States
PHONE	415-836-2557
FAX	415-836-2501
EMAIL	tmfilings@dlapiper.com
AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	359473-900107
OTHER APPOINTED ATTORNEY(S)	Allyn Taylor, Esq., Mark F. Radcliffe, Esq., Scott W. Pink, Esq., Paul A. McLean, Esq., Nancy O. Dix, Esq., Andrew P. Valentine, Esq., Thomas Hoffman, Esq., Alan Limbach, Esq., George Limbach, Esq., Ronald Yin, Esq., and Eugene M. Pak, Esq.
<b>CORRESPONDENCE SECTION</b>	
NAME	Heather A. Dunn, Esq.
FIRM NAME	DLA Piper Rudnick Gray Cary US LLP
INTERNAL ADDRESS	Suite 800
STREET	153 Townsend Street
CITY	San Francisco
STATE	California
ZIP/POSTAL CODE	94107
COUNTRY	United States
PHONE	415-836-2557

EMAIL	tmfilings@dlapiper.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>FILING INFORMATION</b>	
SUBMIT DATE	Mon Aug 07 18:24:45 EDT 2006
TEAS STAMP	USPTO/BAS-6654170187-2006 0807182445290374-78946750 -20019e0ba5b5b93e37827180 40de122b34-CC-842-2006080 7181631654841

PTO Form 147a (Rev. 6/2005)  
OMB No. 0651-0009 (Exp. 08/28/2008)

## Trademark/Service Mark Application, Principal Register

**Serial Number: 78946750**  
**Filing Date: 08/07/2006**

### To the Commissioner for Trademarks:

#### **MARK:** (Stylized and/or Design, see mark)

The mark consists of Star design.

The applicant, Success Acquisition Corporation, a corporation of Delaware, residing at Suite 500, 999 Baker Way, San Mateo, California, United States, 94404, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class 035: Business consultation to assist in business performance, namely, on the subjects of workforce development and planning, management of changes in the workforce, career development and planning, employee training and education, compensation planning, human resources, workforce recruiting, workforce attributes, workforce performance, and the evaluation of personnel.

International Class 041: Offering online educational training services and online seminars to assist in business performance, namely, employment training and training on the subjects of workforce planning and development, management of changes in the workforce, employee career development and planning, compensation planning, workforce recruiting, evaluation of personnel, data analysis and reporting in the fields of human resources, workforce attributes, and workforce performance.

International Class 042: Providing temporary use of on-line non-downloadable software to assist in business performance, namely, for workforce planning and development, management of changes in the workforce, employee career development and planning, compensation planning, workforce recruiting, data analysis and reporting in the fields of human resources, workforce attributes, and workforce performance, and for evaluation of personnel; providing online journals, namely, blogs, on the subjects of business performance, namely, workforce planning and development, career development and planning, employee training and education, compensation planning, workforce recruiting, data analysis and reporting in the fields of human resources, workforce attributes, and workforce performance, and the evaluation of personnel; technical support services, namely, troubleshooting computer software problems in the field of assisting in business performance and evaluation of personnel.

In International Class 035, the mark was first used at least as early as 05/00/2005, and first used in commerce at least as early as 05/00/2005, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) web page promoting the services.

#### Specimen - 1

In International Class 041, the mark was first used at least as early as 05/00/2005, and first used in commerce at least as early as 05/00/2005, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) web page promoting the services.

#### Specimen - 1

In International Class 042, the mark was first used at least as early as 05/00/2005, and first used in commerce at least as early as 05/00/2005, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or

in connection with any item in the class of listed goods and/or services, consisting of a(n) web pages promoting the non-downloadable software.

Specimen - 1

Specimen - 2

The applicant hereby appoints Heather A. Dunn, Esq. and Allyn Taylor, Esq., Mark F. Radcliffe, Esq., Scott W. Pink, Esq., Paul A. McLean, Esq., Nancy O. Dix, Esq., Andrew P. Valentine, Esq., Thomas Hoffman, Esq., Alan Limbach, Esq., George Limbach, Esq., Ronald Yin, Esq., and Eugene M. Pak, Esq. of DLA Piper Rudnick Gray Cary US LLP, Suite 800, 153 Townsend Street, San Francisco, California, United States, 94107 to submit this application on behalf of the applicant. The attorney docket/reference number is 359473-900107.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: tmfilings@dlapiper.com.

A fee payment in the amount of \$975 will be submitted with the application, representing payment for 3 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:

Signatory's Name: Julian Ong

Signatory's Position: Vice President, General Counsel

Signatory's Signature: Signature

Mailing Address:

Heather A. Dunn, Esq.  
Suite 800  
153 Townsend Street  
San Francisco, California 94107

RAM Sale Number: 842

RAM Accounting Date: 08/08/2006

Serial Number: 78946750

Internet Transmission Date: Mon Aug 07 18:24:45 EDT 2006

TEAS Stamp: USPTO/BAS-6654170187-2006080718244529037

4-78946750-20019e0ba5b5b93e3782718040de1

22b34-CC-842-20060807181631654841





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## SuccessFactors Research Based Strategic Consulting

We are not a traditional consulting boutique with a model to sell consulting hours. In fact, we are dedicated to our customers' success using our product. We understand the need for strategic advice and coaching with the deployment of a new Performance & Talent Management tool.

Based on our research we offer results based consulting. We have learned from our great clients' success and can now leverage that knowledge **to your advantage**.

**You** can leverage our knowledge to define the relevant set of competencies to drive the execution of your strategy. We know what drives profitability as well as growth. We will work with you to understand your situation in detail; not only in terms of your industry, but also on the timing of your business, your main strategic lever, as well as your most important jobs from a strategy execution perspective to define what the right recipe for your success is.

**You** might have the need to define relevant systems and metrics to measure and manage your impact across the organization. There are thousands of metrics out there, but do these really have an impact on the execution of your specific strategy or are you simply measuring what is easy to measure based on tradition and available data? We integrate with your current framework and methodologies - should it be a Balanced Scorecard, Six Sigma, or others. Our team has worked as thought leaders in this field for over a decade.

**You** may have the need to define the ROI for a SuccessFactors deployment. Pre- or post-implementation, we can help you communicate with a common set of financial terms to compare this investment in your most important asset with other investments. We have the tools and benchmarks to help you with this.

**You** might find the whole space around performance and talent management rather complex and hard to navigate, and it is. However, we have tools and experience from working with others in this field and can offer strategic coaching on performance and talent management. In addition to the actual usage of SuccessFactors and the knowledge we gain from deploying it around the globe, our dedicated team of Professional Services Consultants on average have well over ten years of experience in the HR domain. That is another 400 years of experience available to you. Depending on your particular need we will find the relevant experience to draw from.

We encourage you to contact us at [research@successfactors.com](mailto:research@successfactors.com) to discuss your needs pre- or post-SuccessFactors implementation.

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### Upcoming Webinars

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**Succession Planning Case Study with Edwards Lifesciences**

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How will your company ensure that it can develop the talent it needs over the next two, five or ten years? It's clear that Succession Management initiatives are imperative to a company's long term success but have you seen one yet that really works? Join this webinar to learn how Edwards Lifesciences has approached the tasks of Succession Planning and the results their efforts have achieved to date.

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**8/10/2006**

**Introduction to SuccessFactors Professional Edition**

SuccessFactors Professional Edition is ideal for small and medium-sized companies (from 25 to 500 employees) looking to automate performance reviews, 360 reviews, goal management, compensation planning and business reporting. Webinar topics will include: 1. Introduction to SuccessFactors 2. Demonstration of SuccessFactors Professional Edition: • Performance Reviews • 360 Degree Review • Goal Management & Alignment • Compensation Planning • Business Analytics/Reporting 3. Q&A session

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**8/15/2006**

**The Importance of Integrating Learning and Performance Management Solutions**

Organizations have become caught in a constantly changing environment where adaptation is critical to survival and success. So when the market mandates change, will your people be ready? In order to have the right workforce to address current and future strategic needs organizations must be able to identify employee's performance and competency gaps and have a program in place to improve those skills. An integrated performance and learning management system is the key to this process. Join this webcast and learn how continuous investment in employee development ensures your organization will be ready as business needs evolve.

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**Leverage the power of your people**

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**Your company wants to grow and prosper. So do its employees.**

**How do you align the two so that everybody wins?**

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The answer is the SuccessFactors Talent & Performance Management Suite. Designed to ensure that your company achieves its corporate goals one employee at a time, the Suite keeps the performance of your executives, managers and employees aligned and synchronized with your company's strategic goals.

It helps you identify the most productive individuals, teams and departments—and duplicate those behaviors company-wide. After establishing successful models for every job, workgroup and department—SuccessFactors lets you track results and measure progress towards achieving those goals.

As the only on-demand application built from the ground up for Talent management, the SuccessFactors Suite lets your company quickly, easily and effectively:

**Align Goals:** By linking individual goals with corporate goals and strategies, SuccessFactors helps ensure that everyone is working in the same direction.

**Develop Competencies:** By identifying and developing individual and group strengths, SuccessFactors helps companies get maximum results and productivity from their workforces.

**Set Expectations:** SuccessFactors eliminates ambiguities by providing a framework that lets managers and employees work together to meet goals, performance, and competencies.

**Manage Talent:** By identifying top performers and ensuring that they're in the most effective jobs, SuccessFactors helps your company get the best results from its workforce.

**Monitor Performance:** SuccessFactors allows your company to monitor the progress and results of each employee, team and department ensuring that all are on track.

**Plan Compensation:** By enabling your company to solidly link rewards with achievements, SuccessFactors helps ensure that employee morale, productivity, and results remain high.



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#### Enterprise Products

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#### SuccessFactors Enterprise Edition Overview

Align employee performance with bottom-line business results

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#### SuccessFactors Talent Management Suite

Company performance is driven by people. In the most successful organizations, individual objectives are aligned with corporate goals, people are compensated based on execution, and succession plans safeguard future performance.

SuccessFactors Talent Management Suite helps you align, develop, motivate and maintain your workforce. Delivered on-demand, the suite includes:

[Goal Management](#)  
[Career and Development Planning](#)  
[Competency Management](#)  
[Learning Management](#)  
[Performance Management](#)  
[360 Degree Review](#)  
[Compensation Planning](#)  
[Employee Survey](#)  
[Talent and Succession Planning](#)  
[Recruiting Management](#)  
[Business Analytics and Reporting](#)

SuccessFactors lets you effectively communicate your company's strategic goals to its workforce-and motivate them to achieve those goals. Likewise, SuccessFactors lets your company accurately evaluate and grow the talents in its workforce. It helps you create a more involving, dynamic, enjoyable and rewarding work environment.

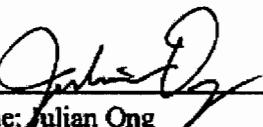
The entire suite is easily accessible online, so your people can use it whenever and wherever needed. The suite is fully integrated and highly scalable, so you can add capabilities and capacity on-demand.

More importantly, this tight integration lets management establish high-level strategic goals for the company-and immediately cascade those goals down throughout the entire suite. This ensures that every individual, team and departmental goal is aligned and synchronized with the company's strategic goals.

**APPLICANT NAME:** Success Acquisition Corporation  
**MARK:** Stylish or/and Design

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:  Date: 8/3/06  
Signatory's Name: Julian Ong  
Signatory's Position: Vice President, General Counsel

**NOTE TO APPLICANT:** When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information and the boilerplate declaration language. Do not include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

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999 BAKER WAY, SUITE 500

SAN MATEO, CALIFORNIA 94404

**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Correspondent:** HEATHER A. DUNN

153 TOWNSEND STREET, SUITE 800

SAN FRANCISCO, CA 94107

Search Results as of: 03/10/2008 07:41 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1

Web interface last modified: April 20, 2007 v.2.0.1



**Trademark/Service Mark Application, Principal Register**Serial Number: 78660874  
Filing Date: 06/29/2005**The table below presents the data as entered.**

<b>MARK SECTION</b>	
MARK	SUCCESSFACTORS
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SUCCESSFACTORS
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>OWNER SECTION</b>	
NAME	Success Acquisition Corporation
INTERNAL ADDRESS	Suite 400 B
STREET	2929 Campus Drive
CITY	San Mateo
STATE	California
ZIP/POSTAL CODE	94403
COUNTRY	United States
PHONE	415-957-1800, ext. 225
FAX	415-974-1520
EMAIL	ntaxy@lpslaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>LEGAL ENTITY SECTION</b>	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Delaware
<b>GOODS AND/OR SERVICES SECTION</b>	
DESCRIPTION	Providing goods and services, such as computer software and consulting, to assist in the evaluation of personnel and business performance.
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/12/1998
FIRST USE IN COMMERCE DATE	At least as early as 06/12/1998

SPECIMEN FILE NAME(S)	\\TICRS\EXPORT10\IMAGEOUT 10\786\608\78660874\xml1\ APP0003.JPG
	\\TICRS\EXPORT10\IMAGEOUT 10\786\608\78660874\xml1\ APP0004.JPG
	\\TICRS\EXPORT10\IMAGEOUT 10\786\608\78660874\xml1\ APP0005.JPG
SPECIMEN DESCRIPTION	The word SUCCESSFACTORS on advertising material.
<b>SIGNATURE SECTION</b>	
SIGNATURE	/Neil E. Taxy/
SIGNATORY NAME	Neil E. Taxy
SIGNATORY DATE	06/29/2005
SIGNATORY POSITION	Attorney for Applicant
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	325
TOTAL AMOUNT	325
<b>ATTORNEY</b>	
NAME	Neil E. Taxy
FIRM NAME	Leland, Parachini, Steinberg, Matzger & Melnick, LLP
INTERNAL ADDRESS	Suite 2700
STREET	333 Market Street
CITY	San Francisco
STATE	California
ZIP/POSTAL CODE	94105
COUNTRY	United States
PHONE	415-957-1800, ext. 225
FAX	415-974-1520
EMAIL	ntaxy@lpslaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	SUCCESS-1
<b>CORRESPONDENCE SECTION</b>	
NAME	Neil E. Taxy
FIRM NAME	Leland, Parachini, Steinberg, Matzger & Melnick, LLP
INTERNAL ADDRESS	Suite 2700
STREET	333 Market Street
CITY	San Francisco

STATE	California
ZIP/POSTAL CODE	94105
COUNTRY	United States
PHONE	415-957-1800, ext. 225
FAX	415-974-1520
EMAIL	ntaxy@lpslaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>FILING INFORMATION</b>	
SUBMIT DATE	Wed Jun 29 15:31:22 EDT 2005
TEAS STAMP	USPTO/BAS-21638142139-200 50629153122380449-7866087 4-2009a50d1fc4461db6b5088 6dd5814e4dbb-DA-74-200506 29153006184198

PTO Form 1-178 (Rev 6/2005)  
OMB No. 0651-0009 (Exp 08/05/2008)

## Trademark/Service Mark Application, Principal Register

Serial Number: 78660874  
Filing Date: 06/29/2005

### To the Commissioner for Trademarks:

#### MARK: (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of SUCCESSFACTORS.

The applicant, Success Acquisition Corporation, a corporation of Delaware, residing at Suite 400 B, 2929 Campus Drive, San Mateo, California, United States, 94403, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class \_\_\_\_\_ : Providing goods and services, such as computer software and consulting, to assist in the evaluation of personnel and business performance.

In International Class \_\_\_\_\_, the mark was first used at least as early as 06/12/1998, and first used in commerce at least as early as 06/12/1998, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) The word SUCCESSFACTORS on advertising material..

Specimen - 1

Specimen - 2

Specimen - 3

The applicant hereby appoints Neil E. Taxy of Leland, Parachini, Steinberg, Matzger & Melnick, LLP, Suite 2700, 333 Market Street, San Francisco, California, United States, 94105 to submit this application on behalf of the applicant. The attorney docket/reference number is SUCCESS-1.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: [ntaxy@lpslaw.com](mailto:ntaxy@lpslaw.com). A fee payment in the amount of \$325 will be submitted with the application, representing payment for 1 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Neil E. Taxy/ Date: 06/29/2005

Signatory's Name: Neil E. Taxy

Signatory's Position: Attorney for Applicant

Mailing Address:

Neil E. Taxy  
Suite 2700  
333 Market Street  
San Francisco, California 94105

RAM Sale Number: 74

RAM Accounting Date: 06/30/2005

Serial Number: 78660874

Internet Transmission Date: Wed Jun 29 15:31:22 EDT 2005

TEAS Stamp: USPTO/BAS-21638142139-200506291531223804

49-78660874-2009a50d1fc4461db6b50886dd58

14e4dbb-DA-74-20050629153006184198

# SUCCESSFACTORS



## SuccessFactors Workforce Performance Management Application Suite

### Business Challenges

Increasing global competition is placing extreme pressure on organizations for optimal performance. These competitive forces have served to increase expectations from customers, shareholders, and employees. In order to remain competitive, organizations must:

- Focus employees on critical tasks
- Increase overall employee productivity
- Identify and reward top performers
- Invest in ongoing employee development
- Place the right person in the right job to be successful
- Ensure leadership to execute on changing business strategies

According to IDC, globalization and improved economic conditions will force companies to think more strategically about their workforces and invest more in solutions that drive performance to achieve both individual and organizational goals.

### Value Proposition

The SuccessFactors Workforce Performance Management Suite is designed as a service, enabling organizations to rapidly align, develop, motivate, and maintain a high-performance workforce. This world-class application suite is delivered with the vision of providing visibility, accountability and results for our customers.

#### Visibility

Clear, timely, and accurate visibility to employee performance and potential can easily be achieved with the SuccessFactors application suite. Managers can consistently monitor progress against goals and competency levels for their entire organizations. Employees can be certain that their efforts will not go unnoticed and will be evaluated in a transparent environment of pay for performance.

#### Accountability

Real organizations' commitment and ownership for corporate and employee goals can be supported with the SuccessFactors application suite. Executives and managers can actively drive employee productivity and motivation through line of sight goal alignment and employee development planning. Employees can make a real impact by understanding their areas of responsibility and their span of control.

#### Results

Real tangible impact on revenue can be achieved due to substantial increases in employee productivity. Significant decreases in employee turnover and development costs also be attributed to utilizing the SuccessFactors Workforce Performance Management Application Suite.

### The Application Suite

The SuccessFactors Workforce Performance Management Suite is composed of distinct capabilities, all of which are fully integrated. Its zero-touch and rapid deployment features allow customers to solve immediate needs by getting to productive results in record time. The entire suite is highly scalable and modular, allowing customers to add new modules when they're ready – "on demand."



**SuccessFactors Goal Management** automates the process of creating, cascading, monitoring and assessing the progress of company-wide goal completion. This automated process results in a clear understanding of all responsibilities associated with a particular goal, increased employee engagement in the goal alignment, increased visibility to, down and across reporting levels, improved line manager accountability, communication during every phase of goal completion, and the elimination of redundancies by focusing employee on the most pertinent goals.



**SuccessFactors Career and Development Planning** helps managers and employees create dynamic, focused and effective development plans that can be monitored and adjusted on a continuous basis. The results are improved employee skills for current job role and the development of skills required for future career path progression.



**SuccessFactors Competency Management** supports role-based competency models which are fully integrated with the entire performance appraisal process, allowing managers to evaluate employees on their competency levels and suggest areas for growth. The results are improved visibility to organizational competency needs and clear paths for required competency achievement.



**SuccessFactors Performance Reviews** streamlines the performance appraisal process. Users can easily setup workflow and approval processes while ensuring that employees can be evaluated on criteria that's critical to the objectives of the organization. The result is a consistent performance management process across the enterprise that streamlines the appraisal process, makes line managers more effective in providing feedback that actually improves performance, reduces HR administrative time, increases line manager accountability in measuring performance, and promotes the ability to continually analyze and develop strategies to optimize employee performance.



**SuccessFactors 360-Degree Review** facilitates input on an employee's performance and skills from multiple perspectives. This promotes a balanced, insightful and meaningful assessment of the employee resulting in a better understanding of competency gaps and development needs, more informed decisions concerning compensation adjustments, and an optimized solution for doing reviews in a multi-inmanagement environment.



**SuccessFactors Compensation Management** allows organizations to efficiently implement pay for performance initiatives by integrating and aligning payroll management, performance management, and compensation processes with a single integrated application. This results in streamlined compensation processes for HR and the business, flexible pay guidelines, and the ability to motivate, reward, develop, and retain talent.



**SuccessFactors Employee Survey** provides management with actionable feedback that helps them clarify the perception vs. the reality in understanding the issues that matter most to employees. This gives employees a forum for expressing their points of view resulting in increased employee engagement while also providing management with key data points to consider in formulating new processes and strategies.



**SuccessFactors Talent and Succession Planning** helps companies assess talent inventories, perform modeling scenarios, identify talent strengths and development needs, target career paths and development plans for all employees. This is achieved through an automated, dynamic process that ensures both the development and readiness of the employee talent required to execute on business strategies over time.



**SuccessFactors Business Analytics and Reporting** allows for the capture and analysis of information required for strategic performance management decisions. Aggregate data provided might help the overall process such as percentage of performance assessments that have been completed and insights from the process such as overall divisional competency levels and compensation budget adherence is available.

# SUCCESSFACTORS



## SuccessFactors Workforce Performance Management Application Suite

### Business Challenges

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- Focus employees on critical tasks
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#### Results

Real tangible impact on revenue can be achieved due to substantial increases in employee productivity. Significant decreases in employee turnover and development costs also be attributed to utilizing the SuccessFactors Workforce Performance Management application suite.

### The Application Suite

The SuccessFactors Workforce Performance Management Suite is composed of distinct capabilities, all of which are fully integrated. Its ease-of-use and rapid deployment features allow customers to solve immediate needs by getting to productive events in record time. The entire suite is highly scalable and modular, allowing customers to add new modules when they're ready – "on demand."



**SuccessFactor 1: Goal Management** streamlines the process of creating, cascading, monitoring and assessing the progress of company-wide goal completion. This automated process results in a clear understanding of all responsibilities associated with a particular goal, increased employee engagement via the right goal alignment, increased visibility up, down and across reporting levels, improved line manager accountability, communication during every phase of goal completion, and the avoidance of redundancies by focusing employees on the most pertinent goals.



**SuccessFactor 2: Career and Development Planning** helps managers and employees create dynamic, focused and effective development plans that can be monitored and adjusted on a continuous basis. The results are improved employee skills for current job roles and the development of skills required for future career path progression.



**SuccessFactor 3: Competency Management** supports role-based competency models which are fully integrated with the entire performance appraisal process, allowing managers to evaluate employees on their competency levels and suggest areas for growth. The results are improved visibility to organizational competency gaps and clear paths for required competency achievement.



**SuccessFactor 4: Performance Reviews** streamlines the performance appraisal process. Users can easily setup workflow and approval processes while ensuring that employees can be evaluated on criteria that's critical to the objectives of the organization. The result is a consistent performance management process across the enterprise that streamlines the appraisal process, makes line managers more effective in providing feedback that actually improves performance, reduces HR administrative time, increases line manager accountability in measuring performance, and provides the ability to continuously analyze and develop strategies to optimize employee performance.



**SuccessFactor 5: 360-Degree Review** gathers input on an employee's performance and skills from multiple perspectives. This promotes a balanced, insightful and meaningful assessment of the employee resulting in a better understanding of competency gaps and development needs, more informed decisions concerning compensation adjustments, and an optimized solution for doing reviews in a truly management-oriented way.

**Competency Management**

**SuccessFactors Compensation Management** allows organizations to effectively implement pay for performance initiatives by integrating and aligning pay management, performance management, and compensation processes with a single integrated application. The result is a streamlined compensation process for HR and line managers, flexible pay guidelines, and the ability to motivate, reward, develop and retain talent.

**Employee Survey**

**SuccessFactors Employee Survey** provides management with actionable feedback that helps them clarify the perception vs. the reality in understanding the issues that matter most to employees. The survey empowers a forum for expressing their point of view resulting in increased employee engagement, while also providing management with key data points to consider in formulating new processes and strategies.

**SuccessFactors Talent and Succession Planning**

**SuccessFactors Talent and Succession Planning** helps companies review talent inventories, perform modeling scenarios, identify talent strength and develop focused, targeted career paths and development plans for all employees. This is achieved through an automated, dynamic process that ensures both the development and readiness of the employees talent required to execute on business strategies over time.

**SuccessFactors Business Analytics and Reporting**

**SuccessFactors Business Analytics and Reporting** allows for the capture and analysis of information required for strategic performance management decisions. Aggregate data providing insight into the overall process such as percentage of performance assessments that have been completed, and insight from the process such as overall divisional competency levels and organization budget adherence is available.

**Assignments on the Web > Trademark Query****Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** 78660874**Filing Dt:** 06/29/2005**Reg #:** NONE**Reg. Dt:****Applicant:** Success Acquisition Corporation**Mark:** SUCCESSFACTORS**Assignment: 1****Reel/Frame:** 3540/0367**Received:** 05/10/2007**Recorded:** 05/10/2007**Pages:** 4**Conveyance:** CHANGE OF NAME**Assignor:** SUCCESS ACQUISITION CORPORATION**Exec Dt:** 04/24/2007**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** SUCCESSFACTORS, INC.

999 BAKER WAY, SUITE 500

SAN MATEO, CALIFORNIA 94404

**Correspondent:** HEATHER A. DUNN

153 TOWNSEND STREET, SUITE 800

SAN FRANCISCO, CA 94107

Search Results as of: 03/11/2008 11:02 AM

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Web interface last modified: April 20, 2007 v.2.0.1[.HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)



**Trademark/Service Mark Application, Principal Register**Serial Number: 78706535  
Filing Date: 09/02/2005**The table below presents the data as entered.**

<b>MARK SECTION</b>	
MARK FILE NAME	\TICRS\EXPORT9\IMAGEOUT9\787065\78706535\xml\AP P0002.JPG
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	SUCCESSFACTORS
COLOR MARK	NO
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the word SUCCESSFACTORS in capital letters, to the right of an "X" design with an arrowhead design on the four compass points and a diamond design at 12 o'clock..
PIXEL COUNT ACCEPTABLE	NO
PIXEL COUNT	936 x 232
<b>OWNER SECTION</b>	
NAME	Success Acquisition Corporation
INTERNAL ADDRESS	Suite 400 B
STREET	2929 Campus Drive
CITY	San Mateo
STATE	California
ZIP/POSTAL CODE	94403
COUNTRY	United States
PHONE	415-957-1800, ext. 225
FAX	415-974-1520
EMAIL	ntaxy@lpslaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>LEGAL ENTITY SECTION</b>	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Delaware
<b>GOODS AND/OR SERVICES SECTION</b>	
DESCRIPTION	Providing goods and services, such as computer software and consulting, to assist in the evaluation of personnel and business

FILING BASIS		performance.
SPECIMEN FILE NAME(S)		\TICRS\EXPORT9\IMAGEOUT9\\787\065\78706535\xml\AP P0003.JPG
SPECIMEN DESCRIPTION		Two pages from the applicant's website, showing the mark in use on page 1.
<b>SIGNATURE SECTION</b>		
SIGNATURE		/Neil E. Taxy/
SIGNATORY NAME		Neil E. Taxy
SIGNATORY DATE		09/02/2005
SIGNATORY POSITION		Attorney for Applicant
<b>PAYMENT SECTION</b>		
NUMBER OF CLASSES		1
NUMBER OF CLASSES PAID		1
SUBTOTAL AMOUNT		325
TOTAL AMOUNT		325
<b>ATTORNEY</b>		
NAME		Neil E. Taxy
FIRM NAME		Leland, Parachini, Steinberg, Matzger & Melnick, LLP
INTERNAL ADDRESS		Suite 2700
STREET		333 Market Street
CITY		San Francisco
STATE		California
ZIP/POSTAL CODE		94105
COUNTRY		United States
PHONE		415-957-1800, ext. 225
FAX		415-974-1520
EMAIL		ntaxy@lpslaw.com
AUTHORIZED EMAIL COMMUNICATION		Yes
ATTORNEY DOCKET NUMBER		success-1
<b>CORRESPONDENCE SECTION</b>		
NAME		Neil E. Taxy
FIRM NAME		Leland, Parachini, Steinberg, Matzger & Melnick, LLP
INTERNAL ADDRESS		Suite 2700
STREET		333 Market Street

CITY	San Francisco
STATE	California
ZIP/POSTAL CODE	94105
COUNTRY	United States
PHONE	415-957-1800, ext. 225
FAX	415-974-1520
EMAIL	ntaxy@lpslaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>FILING INFORMATION</b>	
SUBMIT DATE	Fri Sep 02 19:21:02 EDT 2005
TEAS STAMP	USPTO/BAS-21638142139-200 50902192102974554-7870653 5-200a3222f2db6183ba8c5e3 36310787cae-DA-486-200509 02191947297652

PTO Form 1478 (Rev. 6/2005)  
OMB No. 0651-0299 (ESPS 05-2284)

### Trademark/Service Mark Application, Principal Register

**Serial Number: 78706535**  
**Filing Date: 09/02/2005**

#### To the Commissioner for Trademarks:

**MARK:** SUCCESSFACTORS (stylized and/or with design, see mark)

The literal element of the mark consists of SUCCESSFACTORS.

The mark consists of the word SUCCESSFACTORS in capital letters, to the right of an "X" design with an arrowhead design on the four compass points and a diamond design at 12 o'clock..

The applicant, Success Acquisition Corporation, a corporation of Delaware, residing at Suite 400 B, 2929 Campus Drive, San Mateo, California, United States, 94403, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class \_\_\_\_\_: Providing goods and services, such as computer software and consulting, to assist in the evaluation of personnel and business performance.

In International Class \_\_\_\_\_, the mark was first used at least as early as \_\_\_\_\_, and first used in commerce at least as early as \_\_\_\_\_, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Two pages from the applicant's website, showing the mark in use on page 1..

Specimen - 1

Specimen - 2

The applicant hereby appoints Neil E. Taxy of Leland, Parachini, Steinberg & Melnick, LLP, Suite 2700, 333 Market Street, San Francisco, California, United States, 94105 to submit this application on behalf of the applicant. The attorney docket/reference number is success-1. The USPTO is authorized to communicate with the applicant or its representative at the following email address: [ntaxy@lpslaw.com](mailto:ntaxy@lpslaw.com).

A fee payment in the amount of \$325 will be submitted with the application, representing payment for 1 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Neil E. Taxy/ Date: 09/02/2005

Signatory's Name: Neil E. Taxy

Signatory's Position: Attorney for Applicant

Mailing Address:

Neil E. Taxy  
Suite 2700  
333 Market Street  
San Francisco, California 94105

RAM Sale Number: 486

RAM Accounting Date: 09/06/2005

Serial Number: 78706535

Internet Transmission Date: Fri Sep 02 19:21:02 EDT 2005

TEAS Stamp: USPTO/BAS-21638142139-200509021921029745

54-78706535-200a3222f2db6183ba8c5e336310

787cae-DA-486-20050902191947297652





Search

Product Suite

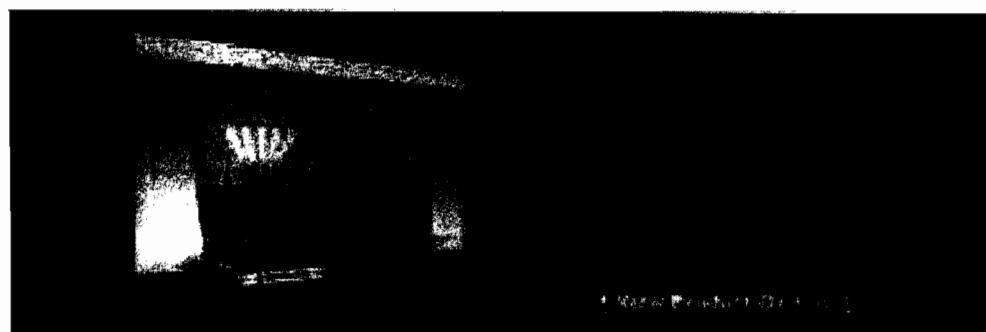
Services

Partners

Customers

Press Releases

Company



## On-Demand Solutions



The SuccessFactors On-Demand Performance Management Suite is comprised of: On-Demand Employee Applications including Employee Performance, Employee Self-Service, Employee Recruitment, Employee Training, and Employee Development.

## Press Releases

- 3/24/05 SuccessFactors Awarded Spot at Site DEMOfest 2005 Conference
- 1/27/05 SuccessFactors Technology Meets and Exceeds Federal Rehabilitation Act, Section 508 Standards
- 7/13/04 No More "Business as Usual" SuccessFactors Teams with New Working Group to Promote Software as a Service
- 7/13/04 Leading Software-As-A-Service

## Highlights

**Gartner**

SuccessFactors Receives "Strong Positive" Rating in Gartner Employee Performance & Management Software Vendor Magic Quadrant

See the June 2004 Report

On Friday June 11, the Gartner Talent Management Summit, featuring Gartner Analyst Series Headcheck on August 11. To get a recording of the event, please fill out this form.



Bruce Richardson, AMR Senior Vice President of Research, Gartner, Inc., SuccessFactors

Read the AMR Research Alert, July 2, 2004: Next Wave of Productivity Tools

## Pharmaceuticals /



## Financial /



## Manufacturing /



## Technology

**WALLSTREETWIRE**

The Wall Street Reporter Interviews CEO Lars Dalgaard

On the April 14, 2004 interview with the Wall Street Reporter, Mr. Dalgaard provides a general overview of SuccessFactors.

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Skype Radio Interviews CEO Lars Dalgaard

## Service / Retail



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**Vendors Form Consortium To Focus On Needs And Issues Of Enterprise Customers**

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Mr. Baumgart Discusses SuccessFactors In This Interview With Sky Radio

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#### Contact Sales

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european direct +  
+49 1294 7880  
germany  
+49 (0) 8104 905  
asia pacific sales  
+61 2 9096 2230  
more sales offices  
[salesinfo@successfactors.com](mailto:salesinfo@successfactors.com)

#### Request More Information

Fill our our Global Information Form to learn more about SuccessFactors.

#### Support

Hours: 8AM - 5PM (ET), Monday - Friday  
Phone: 800 946 6000  
Email: [support@successfactors.com](mailto:support@successfactors.com)

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**Assignments on the Web > Trademark Query**

**Trademark Assignment Abstract of Title**

**Total Assignments: 1**

**Serial #:** 78706535

**Filing Dt:** 09/02/2005

**Reg #:** NONE

**Reg. Dt:**

**Applicant:** Success Acquisition Corporation

**Mark:** SUCCESSFACTORS

**Assignment: 1**

**Reel/Frame:** 3540/0367

**Received:** 05/10/2007

**Recorded:** 05/10/2007

**Pages:** 4

**Conveyance:** CHANGE OF NAME

**Assignor:** SUCCESS ACQUISITION CORPORATION

**Exec Dt:** 04/24/2007

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Assignee:** SUCCESSFACTORS, INC.

999 BAKER WAY, SUITE 500

SAN MATEO, CALIFORNIA 94404

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Correspondent:** HEATHER A. DUNN

153 TOWNSEND STREET, SUITE 800

SAN FRANCISCO, CA 94107

Search Results as of: 03/11/2008 11:03 AM

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Web interface last modified: April 20, 2007 v.2.0.1

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